

**SUBSTITUTE FOR
SENATE BILL NO. 668**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17801, 17820, 17822, 17824, and 17825 (MCL
333.17801, 333.17820, 333.17822, 333.17824, and 333.17825), section
17801 as amended and section 17825 as added by 2009 PA 55, sections
17820 and 17822 as amended by 2016 PA 499, and section 17824 as
amended by 2014 PA 260, and by adding section 17825a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 17801. (1) As used in this part:
2 (a) "Health care professional" means an individual who is an
3 advanced practice registered nurse as that term is defined in
4 section 17201, or who holds a license issued under part 166, 170,
5 175, or 180, or an equivalent license issued by another state.

1 **(b)** ~~(a)~~—"Physical therapist" means an individual licensed
2 under this article to engage in the practice of physical therapy.

3 **(c)** ~~(b)~~—"Physical therapist assistant" means an individual
4 with a health profession subfield license under this part who
5 assists a physical therapist in physical therapy intervention.

6 **(d)** ~~(e)~~—"Practice as physical therapist assistant" means the
7 practice of physical therapy performed **by a physical therapist**
8 **assistant** under the supervision of a physical therapist. ~~licensed~~
9 ~~under this part.~~

10 **(e)** ~~(d)~~—"Practice **Except as otherwise provided in subdivision**

11 **(f)**, "practice of physical therapy" means ~~the evaluation of,~~
12 ~~education of, consultation with, or treatment of~~ **evaluating,**
13 **educating, consulting with, or treating** an individual by ~~the~~
14 ~~employment of~~ **employing** effective properties of physical measures
15 and ~~the use of~~ **using** therapeutic exercises and rehabilitative
16 procedures, with or without assistive devices, ~~for the purpose of~~
17 ~~preventing, correcting,~~ **to prevent, correct,** or alleviating
18 **alleviate** a physical or mental disability. Physical therapy
19 includes **examining, evaluating, and testing an individual with a**
20 **mechanical, physiological, or developmental impairment, a**
21 **functional limitation, or a disability or other health and**
22 **movement-related condition to determine a cause of the physical**
23 **therapy problem to be treated and a prognosis and plan for**
24 **intervention;** treatment planning; ~~the~~ performance of tests and
25 measurements; ~~the~~ interpretation of referrals; ~~the~~ initiation
26 of referrals; ~~instruction;~~ ~~consultative services;~~ ~~and the~~
27 supervision of personnel. ~~Physical~~ **As used in this subdivision,**
28 **"physical measures"** include massage, mobilization, heat, cold, air,
29 light, water, electricity, and sound.

1 **(f)** Practice of physical therapy does not include the
 2 ~~identification of underlying medical problems or etiologies,~~
 3 ~~establishment of medical diagnoses, or the prescribing of~~
 4 ~~treatment.~~**any of the following:**

5 **(i)** The practice of medicine.

6 **(ii)** The practice of osteopathic medicine and surgery.

7 **(iii)** The practice of podiatric medicine and podiatric surgery.

8 **(iv)** Medical diagnosis or the diagnosis of a health condition,
 9 **if the diagnosis falls outside the scope of practice of physical**
 10 **therapy.**

11 (2) In addition to the definitions in this part, article 1
 12 contains general definitions and principles of construction
 13 applicable to all articles in this code and part 161 contains
 14 definitions applicable to this part.

15 Sec. 17820. (1) An individual shall not engage in the practice
 16 of physical therapy or practice as a physical therapist assistant
 17 unless licensed or otherwise authorized under this part. ~~Except as~~
 18 ~~otherwise provided in this subsection, a physical therapist or~~
 19 ~~physical therapist assistant shall engage in the treatment of a~~
 20 ~~patient if that treatment is prescribed by a health care~~
 21 ~~professional who is an advanced practice registered nurse as that~~
 22 ~~term is defined in section 17201, or who holds a license issued~~
 23 ~~under part 166, 170, 175, or 180, or an equivalent license issued~~
 24 ~~by another state. A physical therapist or a physical therapist~~
 25 ~~assistant may engage in the treatment of a patient without the~~
 26 ~~prescription of a health care professional who is an advanced~~
 27 ~~practice registered nurse as that term is defined in section 17201,~~
 28 ~~or who holds a license issued under part 166, 170, 175, or 180, or~~
 29 ~~an equivalent license issued by another state, under either of the~~

1 ~~following circumstances:~~

2 ~~(a) For 21 days or 10 treatments, whichever first occurs.~~
 3 ~~However, a physical therapist shall determine that the patient's~~
 4 ~~condition requires physical therapy before delegating physical~~
 5 ~~therapy interventions to a physical therapist assistant.~~

6 ~~(b) The patient is seeking physical therapy services for the~~
 7 ~~purpose of preventing injury or promoting fitness.~~

8 (2) The following words, titles, or letters or a combination
 9 of words, titles, or letters, with or without qualifying words or
 10 phrases, are restricted in use only to those ~~persons~~ **individuals**
 11 authorized under this part to use the terms and in a way prescribed
 12 in this part: "physical therapy", "physical therapist", "doctor of
 13 physiotherapy", "doctor of physical therapy", "physiotherapist",
 14 "physiotherapy", "registered physical therapist", "licensed
 15 physical therapist", "physical therapy technician", "physical
 16 therapist assistant", "physical therapy assistant",
 17 "physiotherapist assistant", "physiotherapy assistant", "p.t.
 18 assistant", "p.t.", "r.p.t.", "l.p.t.", "c.p.t.", "d.p.t.",
 19 "m.p.t.", "p.t.a.", "registered p.t.a.", "licensed p.t.a.",
 20 "certified p.t.a.", "c.p.t.a.", "l.p.t.a.", "r.p.t.a.", and
 21 "p.t.t.", **and any similar words, titles, or letters that indicate**
 22 **that an individual is licensed under this part.**

23 Sec. 17822. This part does not prohibit a hospital, as a
 24 condition of employment or the granting of staff privileges, from
 25 requiring that a physical therapist perform activities within ~~his~~
 26 ~~or her~~ **the physical therapist's** scope of practice in the hospital
 27 if that treatment is prescribed by ~~an individual who is an advanced~~
 28 ~~practice registered nurse as that term is defined in section 17201,~~
 29 ~~or who holds a license issued under part 166, 170, 175, or 180, or~~

1 ~~an equivalent license issued by another state.~~ **a health care**
 2 **professional.**

3 Sec. 17824. (1) ~~A~~ **If a physical therapist who is treating a**
 4 ~~patient upon~~ **on the prescription of receipt of a referral from a**
 5 ~~health care professional, as described in section 17820~~ **the**
 6 **physical therapist** shall do all of the following, as applicable:

7 (a) Refer the patient back to the health care professional who
 8 ~~issued the prescription~~ **made the referral** for treatment if the
 9 physical therapist has reasonable cause to believe that symptoms or
 10 conditions are present that require services beyond the scope of
 11 practice of physical therapy.

12 (b) Consult with the health care professional who ~~issued the~~
 13 ~~prescription~~ **made the referral** for treatment if the patient does
 14 not show reasonable response to treatment in a time period
 15 consistent with ~~the~~ **generally accepted standards of for the**
 16 ~~practice as determined by the board~~ **of physical therapy.**

17 (2) ~~A~~ **If a physical therapist who is treating a patient**
 18 ~~without a prescription~~ **referral** from a health care professional,
 19 ~~under the conditions authorized in section 17820~~ **the physical**
 20 **therapist** shall do all of the following, as applicable:

21 (a) Refer the patient to ~~an appropriate~~ **a health care**
 22 ~~professional~~ **that the physical therapist considers appropriate** for
 23 treatment if the physical therapist has reasonable cause to believe
 24 that symptoms or conditions are present that require services
 25 beyond the scope of practice of physical therapy.

26 (b) Consult with ~~an appropriate health care professional~~ **1 of**
 27 **the following** if the patient does not show reasonable response to
 28 treatment **within 60 days after initiating treatment or** in a time
 29 period consistent with ~~the~~ **generally accepted standards of for the**

1 practice ~~as determined by the board~~.of physical therapy, whichever
2 occurs first:

3 (i) If the patient identifies a health care professional as the
4 patient's primary health care professional, the patient's primary
5 health care professional.

6 (ii) If the patient does not identify a health care
7 professional as the patient's primary health care professional, a
8 health care professional who the physical therapist considers
9 appropriate.

10 (c) If the patient identifies a health care professional as
11 the patient's primary health care professional, within 15 days
12 after initiating treatment inform the patient's primary health care
13 professional of the initial evaluation and plan of care for
14 physical therapy services for the patient.

15 (3) A physical therapist who is treating a patient shall
16 consult with the health care professional who referred the patient
17 for treatment, who the patient identifies as the patient's primary
18 health care professional, or, if the patient does not identify a
19 primary health care professional, who the physical therapist
20 considers appropriate, as soon as possible but not later than 5
21 days after identifying any of the following:

22 (a) A measurable decline in the patient's condition that
23 requires a significant change to the patient's plan of care.

24 (b) An exacerbation or progression of the patient's symptoms
25 despite adherence to the patient's plan of care.

26 (c) A significant complication that was not present when the
27 initial evaluation occurred and the plan of care was initially
28 drafted for the patient.

29 Sec. 17825. This part does not require new or additional ~~third~~

1 ~~party~~ **third-party** reimbursement or mandated worker's compensation
2 benefits for physical therapy services and does not preclude a
3 ~~third party~~ **third-party** payer from requiring a member or enrollee
4 to fulfill benefit requirements for physical therapy services,
5 including, but not limited to, **any of the following when services**
6 **are rendered by an individual licensed or otherwise authorized**
7 **under this part:**

8 (a) **A medical differential diagnosis to demonstrate medical**
9 **necessity.**

10 (b) **A prescription.** ~~τ~~

11 (c) **A referral.** ~~τ or~~

12 (d) **Preapproval.** ~~preapproval when services are rendered by an~~
13 ~~individual licensed or otherwise authorized under this part.~~

14 **Sec. 17825a. A physical therapist who is treating a patient**
15 **without a referral from a health care professional shall inform the**
16 **patient of the patient's potential financial liability for**
17 **receiving physical therapy services without the referral.**

18 Enacting section 1. This amendatory act takes effect 180 days
19 after the date it is enacted into law.